

**THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**JERRY CHURCHILL,**

**Plaintiff,**

**V.**

**Case No. CIV-13-367-R**

**JEROLD REILHELD, KATHY  
MILLER, and CORRECTIONS  
CORPORATION OF AMERICA,**


## Defendants.

## ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Gary M. Purcell entered April 18, 2013. Doc. No. 5. Plaintiff has not filed an objection to the Report and Recommendation. Instead, Plaintiff has sent a letter to the Court Clerk requesting that his case be transferred to the Eastern District of Oklahoma or that his original papers be returned to him for filing in that district due to the fact that there is no law library where Plaintiff is housed.

The Magistrate Judge is correct that venue in this judicial district is improper. However, because Plaintiff has not been granted leave to proceed without prepaying fees, it would be inappropriate to transfer this case. Therefore, this case is DISMISSED without prejudice to refile in the United States District Court for the Eastern District of Oklahoma pursuant to 28 U.S.C. § 1406(a). The Court Clerk is directed to mail a copy of Plaintiff's Complaint to him together with this Order.

IT IS SO ORDERED this 2nd day of May, 2013.

  
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DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE